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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,020	03/22/2004	Andrew D. Birrell	MSFT-5310/307233.01	1990

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EXAMINER

PAN, JOSEPH T

ART UNIT

PAPER NUMBER

2435

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01/13/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/806,020

**Applicant(s)**

BIRRELL ET AL.

**Examiner**

JOSEPH PAN

**Art Unit**

2435

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☒ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1, 3-10, 12-20, 28-34 and 36.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Kimryn Vu/  
Supervisory Patent Examiner, Art Unit 2435

Continuation of 3. NOTE: The newly amended independent claims 1, 12, 28, and 36 now contain the claim limitation "a coordinating cancellation server". For exemplar, claim 1 now recites:

"1 (Currently Amended) A coordinating cancellation server of a digital delivery system, configured for executing the steps of:

communicatively coupling a first of a plurality of cancellation servers connected through the coordinating cancellation server to at least one database comprising a plurality of unique identifiers for cryptographic puzzles;

receiving an identifier associated with a cryptographic puzzle, the puzzle being attached to a digital object, the digital object being an electronic mail message intended for delivery from a sender to a recipient distinct from the sender;

validating the received identifier by verifying that the identifier does not exist in the at least one database associated with the first cancellation server connected to said coordinating server;

communicatively coupling a second cancellation server through the coordinating cancellation server to an additional database of said unique identifiers;

validating the received identifier further by verifying that the identifier does not exist in the database associated with the second cancellation server; and

upon validating, canceling the cryptographic puzzle by storing in the at least one database an entry comprising the identifier or information derived from the identifier, and transmitting to the recipient an ACCEPT response if the identifier is validated."

The Specification discloses "[0046] In other embodiments, multiple cancellation servers communicate with one another to distribute and/or share data. One example of a distributed system of cancellation servers is shown in FIG. 4. A coordinating cancellation server 402 acts as a central coordinating point for managing the distribution of data among several cancellation servers. When a puzzle checker 406 queries one of the cancellation servers 404 with the unique identifier of a cryptographic puzzle, the queried server 404 hashes the identifier and contacts the coordinating server 402. The coordinating server 402 checks to see which of the several cancellation servers 404 is responsible for the particular unique identifier, for example, based on the three least significant digits of the hashed value. The coordinating server 402 returns the address of the appropriate cancellation server 406 to the calling cancellation server 404, which in turn queries the appropriate cancellation server 406 directly. This and similar techniques are thus used to distribute the load of identifiers across multiple cancellation servers." (see page 18, Specification). Therefore, the Specification discloses that the coordinating cancellation server "checks to see which of the several cancellation servers 404 is responsible for the particular unique identifier", returns the address of the appropriate cancellation server [i.e., the address of ONE cancellation server] to the calling cancellation server, which in turn queries the appropriate cancellation server [i.e., ONE cancellation server] directly.

Figure 4 of Specification further discloses a digital delivery system with a coordinating cancellation server, wherein the unique identifier of a cryptographic puzzle [i.e., 'xxx837'] is stored and queried in one and only one of the multiple cancellation servers [i.e., CS4].

Thus, the Specification does not support a coordinating cancellation server of a digital delivery system, configured for executing the step of "validating the received identifier further by verifying that the identifier does not exist in the database associated with the SECOND cancellation server;" (emphasis added), such as claimed in Claim 1.

During the telephone interview of December 12, 2008, Examiner made the same comments as above.